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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/604,122	06/26/2003	Jennifer L. Woodruff	47320.0127	1121
20874	7590	08/11/2005	EXAMINER	
WALL MARJAMA & BILINSKI 101 SOUTH SALINA STREET SUITE 400 SYRACUSE, NY 13202			CAO, ALLEN T	
			ART UNIT	PAPER NUMBER
			2652	

DATE MAILED: 08/11/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/604,122

Applicant(s)

WOODRUFF ET AL.

Examiner

Allen T. Cao

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 26 June 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-50 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-8, 17-34 and 43-50 is/are rejected.
- 7) ☒ Claim(s) 9-16 and 35-42 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 June 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 12/01/03.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

1. The lengthy specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

2. Claims 1-24 are objected to because of the following informalities:

The term "a" of the phrase "a magazine-based data cartridge library" in claim 1, lines 22-23 and 25; claim 24, lines 5-6; and in claim 25, lines 12-13 should be changed to ~~the~~ or ~~said~~.

Appropriate correction is required.

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 25, 26-28, 30-31, 33 and 43 are rejected under 35 U.S.C. 102(b) as being anticipated by Dimitri (US. 5,818,723).

Dimitri ('723) discloses a data cartridge magazine 30 (column 7, line 62 to column 8, line 4 discloses that the invention can be employed for any type of medium including magnetic tape cartridge) for use in a magazine-based data cartridge library 20 that is capable of transporting data cartridge magazines 30's within the library, the data cartridge magazine having a frame structure (figure 2) that defines a space for accommodating a plurality of data cartridges; a partitioning structure 32's for dividing the space into a plurality of slots (figures 2, slots between the flanges 32's) with each of the

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plurality of slots being capable of accommodating a data cartridge/disk and orienting the data cartridge such that a face of the data cartridge with the greatest surface area lies in a vertical plane when the magazine is operatively situated in the magazine-based data cartridge library (notes that Applicant does not define which structure that the "vertical plane" respect to; Dimitri ('723) can read that the "vertical plane" will be the plane which parallel to number 46 and 48 as set forth in figure 2); and a magazine transporting means (42, 44) for being engaged by a portion (70, 72) of a magazine transport device 110 that is associated with a magazine-based data cartridge library and used to displace a data cartridge magazine towards and away from a storage location within the magazine-based data cartridge library, all as set forth in claim 25.

Regarding claims 26 and 27, Dimitri ('723) discloses that the frame structure has four side surfaces as claimed (figure 2).

Regarding claims 28 and 31, Dimitri discloses that the magazine transport means comprises a hole, recesses 42 or 44 in figure 2, (holes 42, 44 as claimed in claim 5) that is associated with the side wall.

Regarding claims 30 and 33, recesses can be considered as indentations.

Regarding claim 43, Dimitri discloses that the magazine has a plurality of cartridges with each of the plurality of cartridges located in one of the plurality of slots.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 29, 32 and 44-50 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dimitri (US. 5,818,723).

Regarding claims 29 and 32, Dimitri disclose recesses/indentations; however, Dimitri does not disclose a protrusion (claim 29) or a pair of protrusions (claim 32).

It would have been obvious to one of ordinary skill in the art to replace recesses/indentations of Dimitri with protrusion(s) as set forth, supra through an obvious replacement routine of an engineer in the art which have the same functions in which allowed the magazine transport device engaged the magazines in order to insert/extract the magazines.

Regarding claim 44, Dimitri ('464) discloses label means 210.

Regarding claim 45, Dimitri ('464) discloses the label means 210 comprising an indentation in the side wall (either lower or upper side walls) for accommodating a label for identifying the magazine.

Regarding claim 46, Dimitri ('464) discloses a first indentation for a first label 210 and a second indentation for the second label 210 (figure 2).

Regarding claim 47, Dimitri ('464) discloses that the side wall has a first wall (lower wall) and a second wall (upper wall) that is substantially parallel to the first wall; wherein the first indentation is located in the first wall and the second indentation is located on the second wall.

Regarding claim 50, Dimitri ('464) discloses that the label 210 that identifies the data cartridge magazine and is attached to the box structure at a location that is

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discernable by a label reader 150 located within the magazine-based data cartridge library.

Regarding claim 48, Dimitri as modified by Dimitri ('464) do not disclose that the label means has a sleeve for holding a label. Dimitri ('464) only discloses that the label 210 is affixed to the box structure.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to affixed/attached the label to the box structure by a sleeve through an obvious attachment technique of sleeve that is well known in the art instead of "affixed" to provide a quick and easy attach or detach the label from the box structure.

Regarding claim 49, Dimitri ('464) does not disclose that the label means has a radio-frequency identifier.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to indicate the label means of Dimitri as modified by Searle and Dimitri ('464) is a radio-frequency identifier through an obvious pick and choose among well known identifier of the label including a radio-frequency identifier.

6. Claim 34 is rejected under 35 U.S.C. 103(a) as being unpatentable over Dimitri ('723) in view of Dimitri (US. 5,729,464).

Dimitri ('723) does not disclose an engaged/disengaged structure of the magazine for use with a sensor as set forth in claim 34.

Dimitri ('464) discloses a disk cartridge library having magazines including an engaged/disengaged structure 210 for use with a sensor 150 that is used to determine if

a magazine transport device associated with a magazine-based data cartridge library is engaged/disengaged to/from the data cartridge magazine.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the system of Dimitri ('723) with such engaged/disengaged and a sensor as set forth, supra as taught by Dimitri ('464) as an obvious routine of an automated storage monitoring the movement of the cartridges/magazines in order to update the library inventory information.

7. Claims 1-7 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dimitri (US. 5,818,723) in view of Searle (US. 5,235,474).

Dimitri discloses a data cartridge magazine 30 (column 7, line 62 to column 8, line 4 discloses that the invention can be employed for any type of medium including magnetic tape cartridge) for use in a magazine-based data cartridge library 20 that is capable of transporting data cartridge magazines 30's within the library, the data cartridge magazine having a box structure four side walls (figure 2); a plurality of partitioning structures 32's; and a magazine transporting means (42, 44) for being engaged by a portion (70, 72) of a magazine transport device 110 that is associated with a magazine-based data cartridge library and used to displace a data cartridge magazine towards and away from a storage location within the magazine-based data cartridge library, all as set forth in claim 1.

Dimitri does not disclose a base of the magazine. Dimitri discloses that the magazines have baseless for loading the disks/cartridge at the both sides of the openings.

Searle discloses a storage unit 10 having a magazine 20 including a base 22 and side walls including a plurality of portioning structures 158's for dividing the magazine into a plurality of slots 24's; wherein the side walls terminal edges defines a top opening for the insertion/extraction of data cassettes 26's.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the magazines of Dimitri to have a base (only one insertion/extraction direction) as set forth, as taught by Searle to reduce from two sided cartridge insertion/extraction and reduce to one cartridge insertion/extraction dimension, thus reduce to one magazine transporting device in order to reduce the thickness of the magazine transporting device to reduce the thickness of the library housing, thus to provide a more compact disk cartridge library system.

Regarding claims 2 and 5, Dimitri discloses that the magazine transport means comprises a hole, recesses 42 or 44 in figure 2, (holes 42, 44 as claimed in claim 5) that is associated with the side wall.

Regarding claims 4 and 7, recesses can be considered as indentations.

Regarding claim 17, Dimitri discloses that the magazine has a plurality of cartridges with each of the plurality of cartridges located in one of the plurality of slots.

Regarding claims 3 and 6, Dimitri as modified by Searle disclose recesses/indentations; however, Dimitri as modified by Searle do not disclose a protrusion (claim 3) or a pair of protrusions (claim 6).

It would have been obvious to one of ordinary skill in the art to replace recesses/indentations of Dimitri as modified by Searle with protrusion(s) as set forth,



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supra through an obvious replacement routine of an engineer in the art which have the same functions in which allowed the magazine transport device engaged the magazines in order to insert/extract the magazines.

8. Claims 8, 18-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dimitri and Searle as applied to claim 1 above, and further in view of Dimitri (US. 5,729,464).

Dimitri ('723) as modified by Searle do not disclose an engaged/disengaged structure of the magazine for use with a sensor as set forth in claim 8.

Dimitri ('464) discloses a disk cartridge library having magazines including an engaged/disengaged structure 210 for use with a sensor 150 that is used to determine if a magazine transport device associated with a magazine-based data cartridge library is engaged/disengaged to/from the data cartridge magazine.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the system of Dimitri ('723) as modified by Searle with such engaged/disengaged and a sensor as set forth, supra as taught by Dimitri ('464) as an obvious routine of an automated storage monitoring the movement of the cartridges/magazines in order to update the library inventory information.

Regarding claim 18, Dimitri ('464) discloses label means 210.

Regarding claim 19, Dimitri ('464) discloses the label means 210 comprising an indentation in the side wall (either lower or upper side walls) for accommodating a label for identifying the magazine.

Regarding claim 20, Dimitri ('464) discloses a first indentation for a first label 210 and a second indentation for the second label 210 (figure 2).

Regarding claim 21, Dimitri ('464) discloses that the side wall has a first wall (lower wall) and a second wall (upper wall) that is substantially parallel to the first wall; wherein the first indentation is located in the first wall and the second indentation is located on the second wall.

Regarding claim 24, Dimitri ('464) discloses that the label 210 that identifies the data cartridge magazine and is attached to the box structure at a location that is discernable by a label reader 150 located within the magazine-based data cartridge library.

Regarding claim 22, Dimitri as modified by Searle and Dimitri ('464) do not disclose that the label means has a sleeve for holding a label. Dimitri ('464) only discloses that the label 210 is affixed to the box structure.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to affixed/attached the label to the box structure by a sleeve through an obvious attachment technique of sleeve that is well known in the art instead of "affixed" to provide a quick and easy attach or detach the label from the box structure.

Regarding claim 23, Dimitri ('464) does not disclose that the label means has a radio-frequency identifier.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to indicate the label means of Dimitri as modified by Searle and

Dimitri ('464) is a radio-frequency identifier through an obvious pick and choose among well known identifier of the label including a radio-frequency identifier.

9. Claims 9-16 and 35-42 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Allen T. Cao whose telephone number is (571) 272-7569. The examiner can normally be reached on Mon - Thurs (7:30 - 6:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hoa T. Nguyen can be reached on (571) 272-7579. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Allen Cao  
Primary Examiner